UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/679,901	EL-HAJ, MOHAMMAD
	Examiner	Art Unit
	Amee A. Shah	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 October 2003</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-40</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-40</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>06 October 2003</u> is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/13/04</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claims 1-40 are pending in this action.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because:

(1) they include the following reference character(s) not mentioned in the description:

108A, 110A, 112A, 114AA, 114AB, 108Z, 110Z, 112Z, 114ZA, 114ZB, 304B, 304C, 304D,

1126, 1130 and 1224; and

(2) they do not include the following reference sign(s) mentioned in the description: 108,

110, 112 and 114;

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to

the Office action to avoid abandonment of the application. Any amended replacement drawing

sheet should include all of the figures appearing on the immediate prior version of the sheet,

even if only one figure is being amended. Each drawing sheet submitted after the filing date of

an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The

objection to the drawings will not be held in abeyance.

Specification

The use of the trademarks MICROSOFT and MICROSOFT WINDOWS has been noted

in this application. It should be capitalized wherever it appears and be accompanied by the

generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary

nature of the marks should be respected and every effort made to prevent their use in any manner

which might adversely affect their validity as trademarks.

Claim Objections

Claim 6 is objected to because of the following informalities: it contains a grammatical

and/or typographical error – "comprises a electronic mail computer software program" in line 2

should be --comprises an electronic mail computer software program--. Appropriate correction

is required.

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. §112:

> The specification shall conclude with one or more claims particularly pointing out
> and distinctly claiming the subject matter which the applicant regards as his
> invention.

Claim 13 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. The term "normally" in claim 13 is a relative term that renders the claim

indefinite. The term "normally" is not defined by the claim, the specification does not provide a

standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be

reasonably apprised of the scope of the invention. How often a user interface is utilized to be considered "normally" utilized is unclear – "normal" can be achieved with one, two, tens or hundreds of uses. For purposes of this action only, the Examiner will interpret "normally" to be achieved with one use.

Claim 30 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "appropriate" in claim 13 is a relative term that renders the claim indefinite. The term "appropriate" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. What constitutes an "appropriate" user interface is subjective and vague. For purposes of this action only, the Examiner will interpret "appropriate" as any.

Examiner Note

Examiner cites particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form

the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign
country or in public use or on sale in this country, more than one year prior to the date of
application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under
section 122(b), by another filed in the United States before the invention by the
applicant for patent or (2) a patent granted on an application for patent by another
filed in the United States before the invention by the applicant for patent, except that
an international application filed under the treaty defined in section 351(a) shall have
the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published
under Article 21(2) of such treaty in the English language.

Claims 1-4, 6, 8-15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated

by Tremain, U.S. Pat. App. Pub. No. 2002/0069369 A1 (hereafter referred to as

"Tremain").

Referring to claim 1. Tremain discloses an apparatus for providing virtual computing

services to subscribers on a subscription basis, said apparatus comprising:

- a server computer operable to provide first computing services to a first subscriber of

a plurality of subscribers enrolled in a subscription-based services program for the receipt of

computing services and second computing services to a second subscriber of said plurality of

subscribers enrolled in said subscription-based services program for the receipt of computing

services (page 4, ¶¶0043-0044); and

- wherein said server computer comprises a first non-volatile storage associated

uniquely with said first subscriber and a second non-volatile storage associated uniquely with

said second subscriber, said first non-volatile storage being configurable according to said first

subscriber and usable to provide said first computing services to said first subscriber, and said

second non-volatile storage being configurable according to said second subscriber and usable to

provide said second computing services to said second subscriber (Fig. 4 and pages 4, 13 and 15,

¶¶0043-0044, 0174 and 0196-0201).

        Referring to claim 2. Tremain also discloses the apparatus of Claim 1 wherein said server

computer is further operable to configure said first non-volatile storage with a computer software

program stored therein in accordance with a configuration option selected by said first subscriber

(pages 4 and 10, ¶¶0044, 0051 and 0131).

        Referring to claim 3. Tremain also discloses the apparatus of Claim 2 wherein said

computer software program comprises an operating system computer software program (page 4,

¶¶0044 and 0051).

        Referring to claim 4. Tremain also discloses the apparatus of Claim 2 wherein said

computer software program comprises an application computer software program (page 4,

¶¶0044 and 0051).

        Referring to claim 6. Tremain also discloses the apparatus of Claim 4 wherein said

application computer software program comprises an electronic mail computer software program

(page 4, ¶0051).

Referring to claim 8. Tremain also discloses the apparatus of Claim 1 wherein said server computer is further operable to configure said first non-volatile storage with a selected storage capacity in accordance with a configuration option selected by said first subscriber (pages 4 and 10, ¶¶0044 and 0131).

Referring to claim 9. Tremain also discloses the apparatus of Claim 1 wherein said server computer is further operable to configure said first non-volatile storage in accordance with configuration options paid for by said first subscriber (page 10, ¶0131).

Referring to claim 10. Tremain also discloses the apparatus of Claim 2 wherein said server computer is further operable to establish a communication session with a subscriber device used by said first subscriber and to execute said computer software program stored in said first non-volatile storage during said communication session (Fig. 1 and page 13, ¶¶0169-0171).

Referring to claim 11. Tremain also discloses the apparatus of Claim 1 wherein said server computer is further operable to establish a communication session with a subscriber device used by said first subscriber and to interact with said subscriber device during said communication session via a user interface selectable by said first subscriber from a plurality of user interfaces (Figs. 1 and 2 and page 13, ¶¶0169-0171 and 0174).

Referring to claim 12. Tremain also discloses the apparatus of Claim 11 wherein said

server computer is further operable to receive data identifying a user interface selected by said

first subscriber from said plurality of user interfaces, and to cause the display of said selected

user interface on said subscriber device used by said first subscriber (page 13, ¶0174).

Referring to claim 13. Tremain also discloses the apparatus of Claim 1 wherein said

server computer is further operable to establish a communication session with a subscriber

device used by said first subscriber and to interact with said subscriber device during said

communication session via a user interface, and wherein said server computer is further operable

to receive data identifying a user interface normally utilized by said subscriber device and to

cause the display of said normally utilized user interface on said subscriber device (Figs. 1 and 2

and page 13, ¶¶0169-0171 and 0174).

Referring to claim 14. Tremain also discloses the apparatus of Clam 1 wherein said

server computer is further operable to configure said first non-volatile storage with a computer

software program stored therein in accordance with a configuration option paid for by said first

subscriber through payment of a subscription fee (pages 4, 10 and 11, ¶¶0044, 0051, 0131 and

0143).

Referring to claim 15. Tremain also discloses the apparatus of Claim 1 wherein said

server computer is further operable to configure said first non-volatile storage to have a storage

capacity corresponding to a configuration option paid for by said first subscriber through

payment of a subscription fee (pages 4, 10 and 11, ¶¶0044, 0051, 0131 and 0143).

Referring to claim 17. Tremain also discloses the apparatus of Claim 2 wherein said

server computer is further operable to update said computer software program of said first non-

volatile storage with revisions to said computer software program in accordance with a

configuration option selected by said first subscriber (page 10, ¶0141).

Claims 18-20, 29 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by

Banka et al., U.S. Pat. No. 7,003,481 B2, hereafter referred to as "Banka et al.").

Referring to claim 18. Banka et al. discloses a method for providing subscription-based

virtual computing services to a subscriber, the method comprising the steps of:

• enrolling a subscriber in a subscription-based computing services program for the

provision of virtual computing services to the subscriber under the subscription-based computing

services program through a virtual non-volatile storage allocated to the subscriber and accessible

to the subscriber via a server computer during a communication session between the server

computer and a subscriber device used by the subscriber, the virtual computing services

corresponding to configuration options selectable by the subscriber (col. 5, lines 47-67 – note the

enrollment occurs when the customer enters into a contract);

- enabling access to and use of the virtual non-volatile storage as desired by the

subscriber via a server computer during a communication session between the server computer

and the subscriber device (col. 5, lines 47-67 and col. 10, line 64 through col. 11, line 13); and

- charging the subscriber in accordance with selected configuration options received

from the subscriber (col. 5, lines 47-67 – note the charging is the payment terms).

Referring to claim 19. Banka et al. further discloses the method of Claim 18 wherein the

step of enrolling comprises the steps of receiving selected configuration options from the

subscriber via the subscriber device (col. 5, lines 47-67 and col. 9, lines 9-18), and configuring

the virtual non-volatile storage in accordance with the selected configuration options received

from the subscriber (col. 5, lines 47-67 and col. 10, line 64 through col. 11, line 13).

Referring to claim 20. Banka et al. further discloses the method of Claim 19, wherein one

of the selected configuration options is indicative of the subscriber's desire to receive a virtual

computing service including access to and use of a virtual non-volatile storage having a

designated storage capacity during a subsequent communication session with the subscriber, and

wherein the step of configuring comprises a step of allocating the virtual non-volatile storage to

the subscriber for access and use by the subscriber during a subsequent communication session

with the subscriber (col. 5, lines 47-67 and col. 10, line 64 through col. 11, line 13).

Referring to claim 29. Banka et al. further discloses the method of Claim 18 wherein the

step of enrolling comprises the steps of:

- establishing a communication session with a subscriber device used by the subscriber

(Figs. 3A and 3B, col. 6, lines 1-20 and 42-45);

- causing the display of the selectable configuration options at the subscriber device

(Figs. 3A and 3B, col. 6, lines 42-45);

- receiving selected configuration options selected by the subscriber from the

subscriber device (Figs. 3A and 3B, col. 6, lines 45-53);

- determining a cost to the subscriber associated with the provision of the virtual

computing services associated with the selected configuration options (col. 5, lines 54-67);

- receiving data indicative of the subscriber's agreement to pay the cost associated with

the provision of the virtual computing services associated with the selected configuration options

(Figs. 3A and 3B, col. 6, lines 45-61);

- storing the selected configuration options (Fig. 9 and col. 12, lines 34-38); and

- terminating the communication session with the subscriber device ((Figs. 3A and 3B,

col. 6, lines 42-61);

Referring to claim 36. All of the limitations in apparatus claim 36 are closely parallel to

the limitations of method claim 18, analyzed above and are rejected on the same bases.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or
described as set forth in section 102 of this title, if the differences between the

subject matter sought to be patented and the prior art are such that the subject matter
as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability
shall not be negatived by the manner in which the invention was made.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Tremain.

Referring to claims 5 and 7. Tremain discloses the apparatus of Claim 4 as discussed

above, but does not explicitly disclose wherein said application computer software program

comprises a word processing or spreadsheet computer software program. Tremain discloses

wherein the computer software program can be applications, as discussed above, but does not

expressly show wherein the applications are word processing or spreadsheet programs.

However, these differences do not distinguish the claimed apparatus from Tremain. Claims

directed to an apparatus must be distinguished from the prior art in terms of structure rather than

function, *see In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959). A claim

containing a "recitation with respect to the manner in which a claimed apparatus is intended to be

employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art

apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1657

(Bd. Pat. App. & Inter. 1987). Thus the structural limitations of claims 5 and 7, including a

server capable of configuring the storage with an application program, whether it be a word

processing, spreadsheet, web hosting or email program are disclosed in Tremain as described

herein.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tremain in

view of Hui, U.S. Pat. App. Pub. No. 2003/0220983 (hereafter referred to as "Hui").

Referring to claim 16. Tremain discloses the apparatus of Claim 2 as discussed above, but does not explicitly disclose wherein said server computer is further operable to replace said computer software program of said first non-volatile storage with a newer version of said computer software program in accordance with a configuration option selected by said first subscriber. Tremain discloses wherein the server is operable to update the computer software program in accordance with a configuration option selected by the subscriber (page 10, ¶0141).

Hui, in the same field of endeavor of downloading programs, discloses that it is old and well known in the art to periodically download newer versions of computer software programs (page 1, ¶0005). Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to replace the computer software program during an update with a newer version so that customers can utilize the updated version and all the improvements therein, leading to greater customer satisfaction.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banka et al. in view of Tremain.

Referring to claims 21, 22. Banka et al. discloses the method of Claim 19 as discussed above but does not explicitly disclose wherein one of the selected configuration options is indicative of the subscriber's desire to receive a virtual computing service including the use of an operating system or application computer software program that is installable into the virtual non-volatile storage of the subscriber for execution by a server computer during a subsequent communication session with the subscriber, and wherein the step of configuring comprises a step of installing the operating system or applicant computer software program in the virtual non-

volatile storage of the subscriber for execution by a server computer and use by the subscriber during a subsequent communication session with the subscriber.

Tremain, in the same field of endeavor and as discussed above, discloses a method for providing virtual computing services including wherein one of the selected configuration options is indicative of the subscriber's desire to receive a virtual computing service including the use of an operating system or application computer software program that is installable into the virtual non-volatile storage of the subscriber for execution by a server computer during a subsequent communication session with the subscriber, and wherein the step of configuring comprises a step of installing the operating system or applicant computer software program in the virtual non-volatile storage of the subscriber for execution by a server computer and use by the subscriber during a subsequent communication session with the subscriber (page 4, ¶¶0044 and 0051).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Banka et al. to include the teachings of Tremain to allow for one of the selected configuration options to be indicative of the subscriber's desire to receive a virtual computing service including the use of an operating system or application computer software program that is installable into the virtual non-volatile storage of the subscriber for execution by a server computer during a subsequent communication session with the subscriber, and wherein the step of configuring comprises a step of installing the operating system or applicant computer software program in the virtual non-volatile storage of the subscriber for execution by a server computer and use by the subscriber during a subsequent communication session with the subscriber. Doing so would increase the flexibility and options of virtual

computing in a way to increase customer satisfaction and use of the services, as suggested by

Tremain (page 11, ¶0148).

Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banka

et al. in view of Tremain and further in view of Hui.

Referring to claims 23-26. Banka et al. discloses the method of Claim 18, as discussed

above, wherein the step of enrolling comprises the steps of receiving selected configuration

options from the subscriber via the subscriber device (col. 5, lines 47-67), but does not disclose

wherein one of the selected configuration options is indicative of the subscriber's desire to

receive a virtual computing service including the automatic updating of an operating system

computer software program stored in the virtual non-volatile storage of the subscriber with

patches therefor, and wherein the method further comprises a step of automatically updating the

operating system computer software program stored in the virtual non-volatile storage of the

subscriber with patches therefor.

Tremain, in the same field of endeavor and as discussed above, discloses a method for

providing virtual computing services including wherein one of the selected configuration options

is indicative of the subscriber's desire to receive a virtual computing service including the

automatic updating of an operating system computer software program stored in the virtual non-

volatile storage of the subscriber, and wherein the method further comprises a step of

automatically updating the operating system computer software program stored in the virtual

non-volatile storage of the subscriber (page 10, ¶0141)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Banka et al. to include the teachings of Tremain to allow for one of the selected configuration options to be indicative of the subscriber's desire to receive a virtual computing service including the automatic updating of an operating system computer software program stored in the virtual non-volatile storage of the subscriber with patches therefor, and wherein the method further comprises a step of automatically updating the operating system computer software program stored in the virtual non-volatile storage of the subscriber with patches therefor. Doing so would increase the flexibility and options of virtual computing in a way to increase customer satisfaction and use of the services, as suggested by Tremain (page 11, ¶0148).

Banka et al. in view of Tremain does not disclose wherein the automatic updating is done with either newer versions or patches to the program. Hui, in the same field of endeavor of downloading programs, discloses that it is old and well known in the art to download newer versions and patches of computer software programs (page 1, ¶0005). Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to update the computer software program with a newer version or patches so that customers can utilize the updated version and all the improvements therein, leading to greater customer satisfaction.

Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banka et al. in view of Tremain and further in view of Forster, U.S. Pat. App. Pub. No. 2004/0220980 A1.

Referring to claims 27 and 28. Banka et al. discloses the method of Claim 18, as discussed above, wherein the step of enrolling comprises the steps of receiving selected configuration options from the subscriber via the subscriber device (col. 5, lines 47-67), but does not disclose wherein one of the selected configuration options is indicative of the subscriber's desire to receive a virtual computing service including the automatic nightly or weekly backup of the virtual non-volatile storage of the subscriber, and wherein the method further comprises a step of automatically backing up the virtual non-volatile storage of the subscriber on a nightly basis.

Tremain, in the same field of endeavor and as discussed above, discloses a method for providing virtual computing services including wherein one of the selected configuration options is indicative of the subscriber's desire to receive a virtual computing service including the automatic nightly backup of the virtual non-volatile storage of the subscriber, and wherein the method further comprises a step of automatically backing up the virtual non-volatile storage of the subscriber (pages 8 and 9, ¶¶0109-0112).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Banka et al. to include the teachings of Tremain to allow for one of the selected configuration options to be indicative of the subscriber's desire to receive automatic backup of the virtual non-volatile storage of the subscriber, and wherein the method further comprises a step of automatically backing up the virtual non-volatile storage of the subscriber on a nightly basis. Doing so would increase the flexibility and options of virtual computing in a way to increase customer satisfaction and use of the services, as suggested by Tremain (page 11, ¶0148).

Forster, in the same field of endeavor of downloading programs, discloses periodically

backing up storage on a nightly or weekly basis (page 3, ¶0031). Therefore, at the time of the

invention, it would have been obvious to one of ordinary skill in the art to back up the files on a

nightly or weekly basis to ensure that in the case of a computer malfunction or other problem, all

data are recoverable from the backup, saving the customer time and increasing his satisfaction.

Claims 30-35 and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Banka et al. in view of Whitney, U.S. Pat. App. Pub. No. 2003/0115442 A1, cited by

Applicant (hereafter referred to as "Whitney").

Referring to claim 30. Banka et al. discloses the method of Claim 18 wherein the step of

enabling access to and use of the virtual non-volatile storage comprises the steps of: establishing

a communication session with a subscriber device used by the subscriber for the communication

session (col. 6, lines 1-20 and 42-45); performing a task associated with the received user

interface option (col. 6, lines 54-61); and terminating the communication session with the

subscriber device (col. 6, lines 42-61). Banka et al. does not disclose determining an appropriate

user interface for use by the subscriber device, the user interface having a plurality of user

interface options selectable by the subscriber using the subscriber device and corresponding to

respective performable tasks; causing the display of the appropriate user interface at the

subscriber device; and receiving a user interface option selected from the user interface by the

subscriber.

Whitney, in the same field of endeavor of virtual computing, discloses a method of

managing a logical partition on logically-partitioned multi-user computer, including determining

an appropriate user interface for use by the subscriber device, the user interface having a

plurality of user interface options selectable by the subscriber using the subscriber device and

corresponding to respective performable tasks; causing the display of the appropriate user

interface at the subscriber device; and receiving a user interface option selected from the user

interface by the subscriber (page 5, ¶0051).

At the time of the invention, it would have been obvious to a person of ordinary skill in

the art to have modified the system of Banka et al. to include the teachings of Whitney to allow

for determining an appropriate user interface for use by the subscriber device, the user interface

having a plurality of user interface options selectable by the subscriber using the subscriber

device and corresponding to respective performable tasks; causing the display of the appropriate

user interface at the subscriber device; receiving a user interface option selected from the user

interface by the subscriber. Doing so would facilitate communication between the user and

server, increasing customer satisfaction.

Referring to claim 31. Banka et al. in view of Whitney discloses the method of Claim 30,

as discussed above, wherein the step of determining comprises the steps of: collecting

information from the subscriber device indicative of the subscriber device type while

establishing the communication session with the subscriber device; and ascertaining the user

interface most often used with the subscriber device type (Banka et al., col. 10, lines 30-60).

Referring to claim 32. Banka et al. in view of Whitney discloses the method of Claim 30,

as discussed above, wherein the step of determining comprises a step of receiving a selection of a

user interface from the subscriber via the subscriber device during the communication session

indicative of the user interface that the subscriber desires to use at the subscriber device (Banka

et al., col. 10, lines 30-60).

Referring to claims 33-35. Banka et al. in view of Whitney discloses the method of Claim

30, as discussed above, wherein the step of performing comprises the steps of: determining

whether the task associated with the received user interface option corresponds to a data file

upload, download or execute task; and upon determining that the task associated with the

received user interface option corresponds to a data file upload, download or execute task,

causing the uploading of a data file from the subscriber device to the virtual non-volatile storage

of the subscriber (Whitney, pages 5-6, ¶0056) in order to facilitate the virtual computing.

Referring to claims 37-40. All of the limitations in apparatus claims 37-40 are closely

parallel to the limitations of method claims 30-32 and 35, analyzed above and are rejected on the

same bases.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

(1) Salem et al., U.S. Pat. App. Pub. No. 2003/0084104 A1, discloses a method and

system for enabling mobile users to access documents or resources from a remote hosting

environment (see entire document).

(2) Loeblich et al., DE 10104984 A1, discloses a system for virtual computing (see

Abstract).

(3) Author unknown, "Ready For Virtual Computing?" Info-Tech Advisor Newsletter,

London, UK, Dec. 9, 2002, pg. 1, discloses a variety of companies of virtual computing services.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Amee A. Shah whose telephone number is 571-272-8116. The

examiner can normally be reached on Mon.-Fri. 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAS

May 12, 2006

J. C. Gary
Primary Ex